BD. MTG. 6/2/94
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DOCUMENT 5637
NO.

MEMORANDUM **JUNE 2, 1994**

TO: BOSTON REDEVELOPMENT AUTHORITY and
MARISA LAGO, DIRECTOR

FROM: BRIAN DeLOREY, ASSISTANT DIRECTOR FOR
ECONOMIC DEVELOPMENT

SUBJECT: REQUEST RE-ADOPTION OF AN ORDER OF TAKING OF PORTIONS OF PARCEL 2, PARK PLAZA URBAN RENEWAL AREA TO FACILITATE DEVELOPMENT OF THE SITE

SUMMARY: This memorandum requests that a portion of Park Plaza Parcel 2 be acquired by the Authority to facilitate development of the site. The parcel is currently owned by the City of Boston.

The Park Square parcel established in the Final Project report of the Park Plaza Urban Renewal Plan approved by the Authority in July, 1971 is bounded by Stuart and Charles Streets, Park Plaza and Columbus Avenue. Also included is a 35 foot right-of-way to be created adjacent to the eastern and northeastern facades.

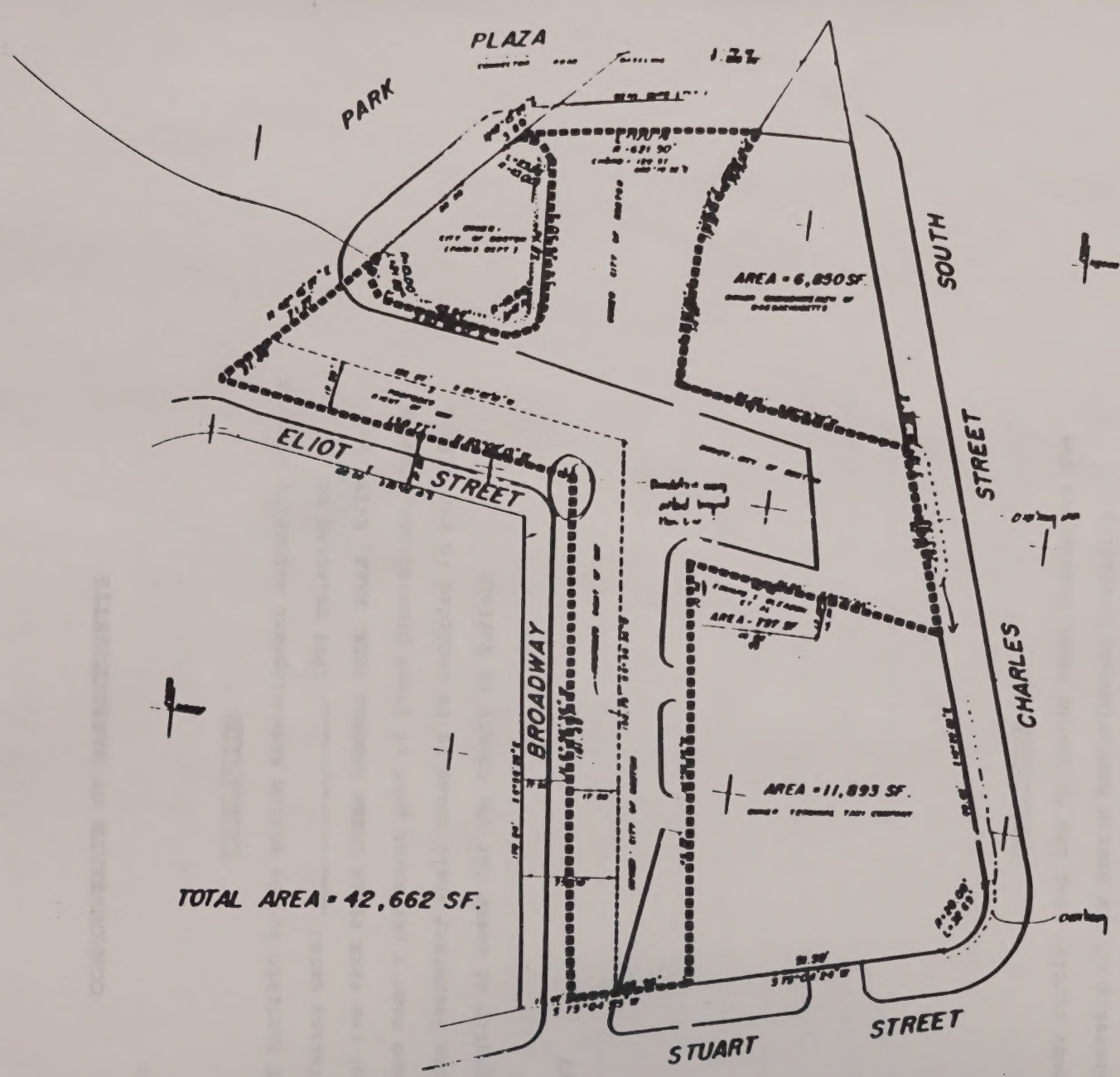
The total Park Square parcel area is approximately 40,000 square feet. Approximately 12,400 square feet are owned privately. The balance of the site, approximately 27,600 feet, is owned by the City of Boston, or is land to be conveyed to the City by the Commonwealth by prior agreement. The City-owned portions of Parcel 2 consist of former streets for which discontinuance will be sought from the Public Improvements Commission, subsequent to the taking.

Abutting the parcel and not affected by the taking is a 2,867 square foot parcel of park land on which the "Emancipation Group" statue of Abraham Lincoln by Thomas Ball stands. This site is a Boston landmark.

To facilitate the future development of the parcel in accordance with the Park Plaza Urban Renewal Plan, it is therefore requested that an order of taking be re-adopted to remove ambiguities contained in a prior Order of Taking of the City of Boston-owned portions of Parcel 2. A proposed form of said taking is attached.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority hereby adopts an order of taking for the City of Boston-owned portion of Parcel 2 located in the Park Plaza Urban Renewal Area.



PLAN SHOWING PROPOSED
"PARK SQUARE"
BOSTON , MA

GRADE AREA OF TAKING
SCALE : 1" = 20'
JULY 29, 1960
HARRY R. FELDMAN , INC.
LAND SURVEYORS
10 SHAWMUT AVE.
BOSTON , MA.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated _____, 1994 relating to portions of the **PARK PLAZA URBAN RENEWAL AREA, MASS. R-77**, be executed and made a permanent part of these proceedings, copies of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Michael Taylor
Consuelo Gonzales Thornell
Joseph W. Nigro, Jr.

A true copy

ATTEST: _____
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 9838, Page 294, an Order of Taking dated August 20, 1981, concerning and describing the **PARK PLAZA URBAN RENEWAL AREA**, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof;

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40; and

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant thereto, including any trees, buildings and other structures standing upon or affixed thereto and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provision of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record,

having any and all interest in the parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at all times prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: **BOSTON REDEVELOPMENT AUTHORITY**

By: _____

_____

_____

_____

_____

ATTEST:

_____
Secretary of the Boston
Redevelopment Authority

APPROVED AS TO FORM:

_____
Ralph F. Cahill
Assistant General Counsel

WP51\TTTT

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcel of land is taken by this Order of Taking:

That certain parcel of land being a portion of Parcel 2 in the Park Plaza Urban Renewal Area bounded by Charles Street South, Stuart Street, Broadway, Eliot Street and Park Plaza as shown as "Area of Taking" on a plan entitled "Plan Showing Proposed 'Park Square' Boston, MA", dated July 29, 1988, by Harry R. Feldman, Inc., Land Surveyors, 112 Shawmut Avenue, Boston, MA, recorded on April 29, 1993 as Document No. 250 at the Suffolk County Registry of Deeds.

The Supposed Owner of the parcel hereby taken is the City of Boston.

The name of the owner herein listed as Supposed Owner, although supposed to be correct, is such only as a matter of information, opinion and belief and is listed for informational purposes only.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

AWARD OF DAMAGES

An award of One Dollar ($1.00) and other valuable consideration is made with this Order of Taking.

Recorded Suffolk Deeds on 6/9/94 Doc # 290 per R. Gahill

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK SS.

W/Doc, No 5637

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated JUNE 2ND, 1994 relating to portions of the **PARK PLAZA URBAN RENEWAL AREA, MASS. R-77**, be executed and made a permanent part of these proceedings, copies of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Michael Taylor
Consuelo Gonzales Thornell
Joseph W. Nigro, Jr.

A true copy

ATTEST: Joseph J Fisher
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

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WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40; and

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant thereto, including any trees, buildings and other structures standing upon or affixed thereto and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provision of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record,

having any and all interest in the parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at all times prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED:

BOSTON REDEVELOPMENT AUTHORITY

By: Clarence J. Jones

Joseph W. Nigro, Jr.

Michael Donlan

Consuelo E. Kinsella

Mutrah Taylor

ATTEST:

Joseph J. Walsh
Secretary of the Boston
Redevelopment Authority

APPROVED AS TO FORM:

Ralph H. Cahill
Ralph F. Cahill
Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

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The Supposed Owner of the parcel hereby taken is the City of Boston.

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ANNEX B

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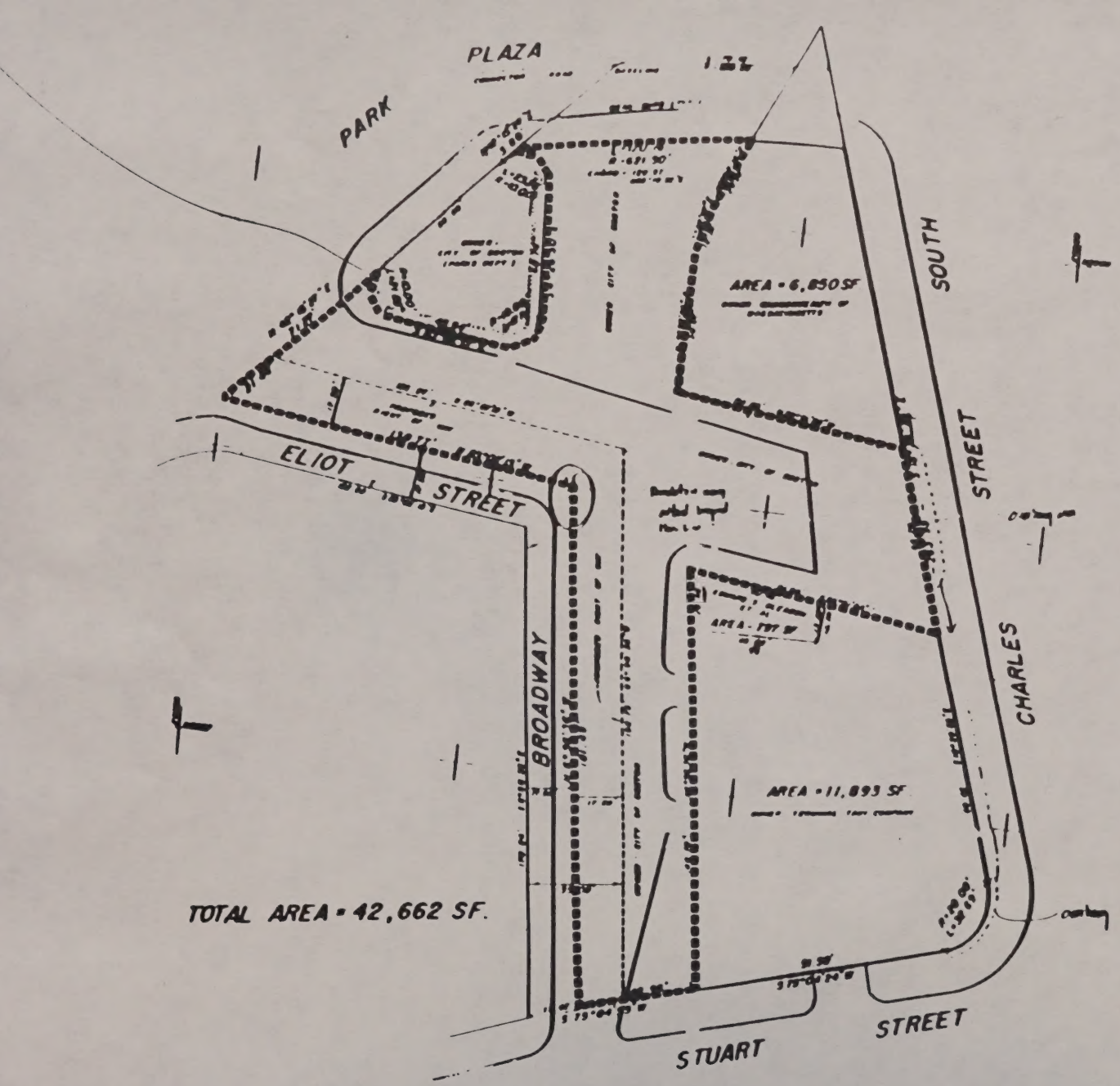

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